

08/06/01  
1130 U.S. PTO

08-08-01

A

25 Metro Drive  
Suite 700

San Jose  
California 95110

T: 408-453-9200  
F: 408-453-7979

Austin, TX  
Newport Beach, CA  
San Francisco, CA

skjerven morrill  
macpherson LLP

Docket No.: M-9131 US

August 6, 2001

Box Patent Application  
Commissioner For Patents  
Washington, D. C. 20231

Enclosed herewith for filing is a patent application, as follows:

Inventor: James M. Holden

Title: Configurable Metrology Device That Operates In Reflectance Mode, Transmittance Mode,  
Or Mixed Mode

☒ Return Receipt Postcard  
☒ This Transmittal Letter (in duplicate)  
9 pages Specification (not including claims)  
4 pages Claims  
1 page Abstract  
5 Sheets of Drawings consisting of Figs. 1A, 1B, 2, 3, 4, 5, 6A, 6B, 6C, 7A, 7b and 8)  
2 pages Declaration For Patent Application and Power of Attorney  
1 page NonPublication Request  
1 page Recordation Form Cover Sheet (in duplicate)  
1 page Assignment  
1 page PTO Form 1449 citing six references  
☒ Copies of six Cited References submitted

☒ Applicant asserts entitlement to small entity status for the attached patent application

**CLAIMS AS FILED (fees computed under 37 CFR §1.9(f))**

For	Number Filed		Number Extra		Rate		Basic Fee
Total Claims	22	-20 =	2	x	\$ 9.00 =	\$	355.00
Independent Claims	4	-3 =	1	x	\$40.00 =	\$	40.00
<input type="checkbox"/>	Fee of _____ for the first filing of one or more multiple dependent claims per application						\$
<input type="checkbox"/>	Fee for Request for Extension of Time						\$

Please make the following charges to Deposit Account 19-2386:

- ☒ Total fee for filing the patent application in the amount of \$ 413.00  
☒ The Commissioner is hereby authorized to charge any additional fees which may be  
required, or credit any overpayment to Deposit Account 19-2386.

EXPRESS MAIL LABEL NO:

EL 701 021 607 US

Respectfully submitted,

*Michael J. Halbert*

Michael J. Halbert  
Attorney for Applicant  
Reg. No. 40,633

EXPRESS MAIL LABEL NO:  
EL 701 021 607 US

MODIFIED PTO/SB/35 (11-00)

<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	Inventor	James M. Holden
	Title	Configurable Metrology Device That Operates In Reflectance Mode, Transmittance Mode, Or Mixed Mode
	Atty Docket Number	M-9131 US

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

August 6, 2001  
Date



Michael J. Halbert  
Attorney for Applicants  
Reg. No.: 40,633

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**